APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,336	01/24/2002	Joseph E. Rock	1727 SPRI	3158

32423 7590 10/05/2004	EXAMINER	
SPRINT COMMUNICATIONS COMPANY L.P.	BECKER, SHAWN M	
6391 SPRINT PARKWAY		
KSOPHT0101-Z2100	ART UNIT	PAPER NUMBER
OVERLAND PARK, KS 66251-2100	2173	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>24 January 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claims 7 and 10-11 are objected to under 37 CFR 1.75(c), as being of improper

dependent form for failing to further limit the subject matter of a previous claim. Applicant is

required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent

form, or rewrite the claim(s) in independent form. Claims 7 and 10-11 are written as a preamble

to their parent claims, and should be rewritten as independent claims with all of the limitations of

their parent claims.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1-24 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S.

Patent No. 6,144,388 to Bornstein (hereinafter Bornstein).

        Referring to claims 1 and 19, Bornstein teaches computer readable medium and a method

in a computing environment for configuring images for display, the method comprising:

        receiving a selection of a first component image, said first component image depicting a

first component (i.e. picture of a person; col. 2, lines 53-55 and Fig. 1),

        receiving a selection of a second component image, said second component image

depicting a second component (i.e. picture of glasses; col. 4, lines 12-14 and Fig. 2A);

positioning, on a coordinate system (i.e. col. 3, lines 15-20), said first image and said second image; and creating a configured image (i.e. Fig. 2B), said configured image including said first component and said second component. See col. 2, line 46 – col. 3, line 20.

Referring to claims 8, 10-11, 14, and 16-17, Bornstein teaches a computer readable medium, computer system with a processor, memory, and an operating environment, and a method in a computing environment for configuring product images for display, the method comprising:

receiving a selection of a configured product image (i.e. picture of a person wearing glasses; i.e. col. 1, lines 10-36);

consulting a first data table to determine which of a variety of component images comprise said configured product image. For example, see col. 5, lines 11-39. Also, see col. 18, lines 1-17.

Bornstein teaches consulting a second data table to determine the coordinates on an (X,Y) axis of each component image that comprises the configured product image. For example see col. 17, lines 40-50 and col. 19, line 34 – col. 20, line 30.

Bornstein discloses displaying the configured product image by placing each component image at its corresponding coordinates on said (X,Y) axis. See Fig. 2B and col. 2, line 46 – col. 3, line 20. Also, see Fig. 9B.

Referring to claim 12, Bornstein teaches a computer system for displaying a configured graphical image, the computer system comprising:

a configuration component which determines which of a plurality of component images comprise the configured image (i.e. col. 5, lines 11-39 and col. 18, lines 1-17);

coordinate component which determines the positioning of said component images on a coordinate system, said positioning being defined by (X,Y) coordinates (i.e. col. 17, lines 40-50 and col. 19, line 34 – col. 20, line 30);

and a displaying component which positions said component images on an (X,Y) axis based upon the determined (X,Y) coordinates and displays the resulting configured graphical image. See Fig. 2B and col. 2, line 46 – col. 3, line 20.

Referring to claims 2 and 20, said coordinate system of Bornstein is based upon an (X,Y) axis. See col. 3, line 16.

Referring to claim 3 and 21, said second image is overlaid on said first image in Bornstein. See Fig. 2B and col. 17, lines 5-17.

Referring to claims 4, 9, 13, 15, and 22, the first and second component images are photographs in Bornstein. See Fig. 4, 120, which shows that the input images may come from a digital camera.

Referring to claims 5 and 23, Bornstein teaches consulting a coordinate table to determine the coordinates of said first and second images. For example see col. 17, lines 40-50 and col. 19, line 34 – col. 20, line 30.

Referring to claims 6 and 24, Bornstein teaches consulting an image table to determine the component images necessary to make-up said configured image. For example, see col. 5, lines 11-39. Also, see col. 18, lines 1-17.

Referring to claim 7, Bornstein teaches a computer system having a processor (Fig. 3, 802), a memory (i.e. Fig. 3, 806) and an operating environment, the computer system operable to perform the steps recited in claim 1.

Referring to claim 18, Bornstein teaches a computer readable medium containing a data structure for storing location (i.e. coordinate) information on one or more component images of a configured product, wherein said data structure comprises:

an implementer table, said table containing entries indicative of the component images that make up the configured product (i.e. col. 5, lines 11-39 and col. 18, lines 1-17); and

a coordinate table, said coordinate table containing entries indicative of the (X,Y) coordinates for said component images, the coordinates specifying the positioning of the component images necessary to correctly make up the configured product. See col. 17, lines 40-50 and col. 19, line 34 – col. 20, line 30.

Conclusion

4.   The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach methods of converging two images based on coordinate systems to form a composite image, such as displaying accessories for a vehicle along with the vehicle, for example.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn M. Becker whose telephone number is (703) 305-7756,
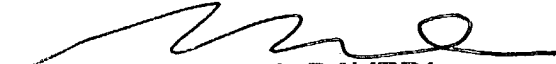
but will be (571) 272-4046 after moving offices October 20. The examiner can normally be

reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John W. Cabeca can be reached on (703) 308-3116. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smb

RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173